

## **EXECUTIVE ORDER NO. 11-23**

WHEREAS, under chapter 89C of the Hawai'i Revised Statutes (HRS), the Governor has been granted the authority to make adjustments to the wages, hours, benefits and other terms and conditions of employment for elected and appointed officials, and employees in the executive branch who are excluded from collective bargaining; and

WHEREAS, for excluded employees under the same classification systems as employees within collective bargaining units, chapter 89C requires that the adjustments be "not less than" those provided under the collective bargaining agreements for employees hired on a comparable basis; and

WHEREAS, chapter 89C also requires that the adjustments for excluded civil service employees result in compensation and benefit packages that are "at least equal to" the compensation and benefit packages provided under collective bargaining agreements for counterparts and subordinates within the Employer's jurisdiction; and

WHEREAS, supplemental agreements ("Supplemental Agreements") have been negotiated with the Hawai'i Government Employees Association (HGEA) as the exclusive representative for Bargaining Units (BUs) 03, 04, and 13 amending the compensation adjustment articles of the respective collective bargaining agreements for included exempt employees who are appointed to replacement civil service positions, and employees who are temporarily appointed to civil service positions; and

WHEREAS, the provisions of the Supplemental Agreements should also apply to civil service and exempt employees within the Executive Branch who are excluded from BUs 03, 04 and 13; and

WHEREAS, Act 128, SLH 2004, which allowed certain exempt employees to apply for civil service positions through internal recruitment processes, was repealed on July 1, 2006; and

WHEREAS, Executive Order 05-02 provided compensation adjustments for exempt excluded employees who were appointed to civil service positions via Act 128, SLH 2004.

NOW, THEREFORE, I, Neil Abercrombie, Governor of Hawai'i, pursuant to my executive authority under articles V and VII of the Constitution of the State of Hawai'i, the provisions of chapters 37 and 89C of the Hawai'i Revised Statutes, and all other applicable authority, do hereby grant to state executive branch civil service and exempt employees who are excluded from BUs 03, 04 and 13, the same provisions provided to their included BU counterparts under Supplemental Agreements regarding Compensation Adjustments for Exempt, Temporary, and Initial Probationary Employees in effect up to and including June 30, 2013.

IT IS FURTHER ORDERED that these provisions are subject to amendment by Executive Order; and

IT IS FURTHER ORDERED that this Executive Order shall have retrospective operation to July 1, 2006, and shall supersede Executive Order 05-02 effective July 1, 2006; and


IT IS FURTHER ORDERED that this Executive Order is not intended to create, and does not create, any rights or benefits, whether substantive or procedural, or enforceable at law or in equity, against the State of Hawai'i or its agencies, departments, entities, officers, employees, or any other person.

The Director of Human Resources Development shall be responsible for the uniform administration of this Executive Order and is authorized to make any interpretations concerning the applicability of this Executive Order to State officers and employees of the State government executive branch who are excluded from BUs 03, 04 and 13.

DONE at the State Capitol, Honolulu  
State of Hawai'i, this 5<sup>th</sup> day of  
August, 2011.

  
NEIL ABERCROMBIE  
Governor of Hawai'i

APPROVED AS TO FORM:

  
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DAVID M. LOUIE  
Attorney General